



United States Mission to the OSCE

Statement on Freedom of Assembly and Association

As prepared for delivery by Ambassador Julie Finley
to the OSCE Human Dimension Implementation Meeting
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Mr. Moderator, the closely related rights to freedom of assembly and freedom of association provide an important gauge of democratic development and are essential to the existence of genuine pluralism. Less than a year ago, the peaceful assembly of hundreds of thousands of demonstrators on Kiev's Independence Square forced a response by government officials to re-run rigged elections, bringing democracy to the people of Ukraine. At the other end of the spectrum, we also witnessed a bloodbath of police brutality in response to the demonstrations in Andijon, Uzbekistan, in May.

According to testimony from eyewitnesses, as well as reports based on interviews with survivors, it seems clear that Uzbek security forces opened fire on large crowds of people gathered in Babur Square four months ago. In testimony presented to the Helsinki Commission in the U.S. Congress, one eyewitness provided a graphic account of what took place on May 12-13, displaying a backpack and notebook that had been pierced by a bullet from government forces. International organizations estimate that the number of people killed reached high into the hundreds.

By all accounts, the shooting was preceded by an armed assault on a prison and government buildings. Many prisoners were let loose and hostages were taken. The United States does not condone these actions, and we acknowledge the right of governments to maintain public order using proportionate force. The reaction of Uzbek security forces, however, far exceeded any possible provocation. There is no justification for opening fire indiscriminately on thousands of men, women and children peacefully assembled in a public square.

Underlying the Andijon tragedy is the fact that the freedoms of assembly and association have not been respected in Uzbekistan over the last dozen years. There are no legal opposition parties in the country. Only in the last few years have a few independent human rights groups been registered. Demonstrators voicing social grievances, protesting economic grievances, or the imprisonment of their relatives risk being jailed or beaten.

The systemic failure to observe these basic rights has exacerbated circumstances in Uzbekistan and, we believe, is a radicalizing factor. Permitting the legal registration of opposition parties will provide young people who want to participate in the political process with options other than extremism and violent protest. Otherwise, people denied the opportunity to express their views or join with like-minded fellow citizens will be tempted to look for alternatives outside the system.

Although the Uzbekistan Government has presented its interpretation of the events in Andijon and additional information has come from other sources, many questions remain

unanswered. Accordingly, the United States supports the call made by the European Union, the UN, the OSCE Chairman-in-Office and the OSCE Office for Democratic Institutions and Human Rights, for an independent, international investigation into the facts surrounding this tragedy.

Mr. Moderator, in June Belarus adopted restrictive legislation which enhanced the punitive tools, including suspension and liquidation, available to the regime to use against non-governmental organizations, political parties, independent trade unions and private educational institutions. Recent Belarusian laws even restrict assistance to prepare for elections, referendums, the recall of MPs, the organization and conduct of meetings, street marches, demonstrations and strikes, among other activities. Police have used excessive force to disperse peaceful protests, including beating an opposition leader protesting the fraudulent October 2004 elections and referendum. In July, a policeman struck the face of Svetlana Zavadzka, who was holding a photo of her husband, Dmitry. Dmitry Zavadzka is a journalist who disappeared five years ago and is presumed to have been murdered, with strong indications of government complicity. Detentions and large fines are also common weapons against independent voices. Opposition figures Pavel Severinets, Nikolai Statkevich and Andrei Klimov have all been imprisoned for their involvement in peaceful protests.

This November 2005, Azerbaijan will hold important parliamentary elections. In the last few months, after President Aliyev's May 11 decree offered assurances that freedom of assembly would be observed during the election campaign, authorities began allowing opposition parties to organize meetings and demonstrations. This was the first time public assembly was allowed in Azerbaijan since October 2003, when law enforcement officers killed one person at a post-election demonstration that turned violent and tortured and beat those they detained. Although many rallies have been conducted peacefully, permission for freedom of assembly outside of Baku has been spotty. Election observation by domestic nonpartisan NGOs receiving foreign assistance remains prohibited. We hope and expect that freedom of assembly and association will be honored fully before and after the election cycle.

The role of non-government organizations in democratic societies is vital to the defense of fundamental freedoms and the development of robust civil society. Historically, repressive states have sought to control the space in which NGOs operate. As expected in totalitarian states, such as Uzbekistan, Turkmenistan and Belarus, highly restrictive policies continue to restrict the work of NGOs. Equally worrisome, states that have taken some steps to institute democratic reforms are enacting harsh legislation or policies — sometimes under the guise of national security or counter-terrorism — that could be used to restrict severely NGO activity and impinge on freedom of association. Following the “color revolutions” in Eurasia, NGOs face increased restrictions and harassment due to backlash by governments, such as Kazakhstan and the Russian Federation, worried that they serve the interests of foreign governments.

Over the past two years incidents of government harassment of NGOs in Russia have increased, chilling the climate for civil society. In a May 12 speech to the Duma, Nikolay Patrushev, Director of the Federal Security Service, stated that foreign NGOs were often used for espionage against Russian interests. President Putin has yet to clarify his July 20 remark that he adamantly opposes foreign funding of NGOs engaged in “political activity” or how broadly he defines such activity. We urge the Government to support a vibrant civil society and not restrict foreign funding of NGOs engaged in non-partisan activity such as media and election observation.

In Kazakhstan, the National Security Amendments passed earlier this year limit freedom of assembly and association and could be used to limit the activities of groups that wish to participate in voter education and other activities related to the December presidential election. We were pleased to learn that the Constitutional Council rejected the NGO law *in toto*, and we urge President Nazarbayev to uphold that decision.

Finally, there have been published reports that law-enforcement agencies in some countries with upcoming elections, such as Kazakhstan, have begun arming themselves, in apparent preparation for subduing by force demonstrators who contest the official results of the balloting. This is extremely disturbing news. Kazakhstan has amended its election law to prohibit any protests between the end of the voting and the announcement of the official results. Citizens who choose to protest peacefully have the right to do so. Indications or threats that police in an OSCE participating State will respond by force against demonstrators expressing their opinion peacefully runs counter to OSCE standards.